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Prosecutors Ask Jury Aid In CIA Probe

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Justice Department prosecutors investigating possible criminal acts by the CIA have gone to a federal grand jury for help, a move that increases the likelihood of indictments against agents and officials of the spy agency.

But the grand jury phase of the investigation is in its very early stages. So far, sources familiar with the probe said, the grand jury has been asked only for assistance — in the form of subpoenas — to obtain two documents. No witnesses have been called for testimony before the grand jury.

THERE WERE indications that the role of the grand jury would be expanded as the investigation continues. Federal prosecutors normally use grand juries in two ways. Often, in the early stages of a probe, the grand jury is used as an investigative tool. Witnesses are brought before the grand jury and asked questions under oath and this often furnishes leads or actual information about criminal activities.

Later, the same grand jury may be asked to play its other role and decide whether or not someone should be indicted.

In this case, although an investigation has been under way for several months, the prosecutors are apparently not ready to seek indictments from the grand jury but, instead, are using it as an aid in the investigation.

Asst. Atty. Gen. Richard Thornburgh wrote to U.S. Atty. Earl Silbert on Oct. 14 and asked him to arrange for a new grand jury to be empaneled to assist in the CIA investigation. But officials in the Justice Department and the U.S. attorney's office decided that one of the grand juries now at work could handle the CIA task, at least for the time being, and that creation of a separate grand jury was not necessary.

THE PROBE is being handled in the Justice Department by G. Allen Carver Jr., Neal J. Shulman and Robert G. Andary of the general crimes section of the criminal division.

Justice Department officials have said they would be reluctant to seek indictments against lower-ranking employees of either the CIA or the FBI for carrying out illegal acts under orders from their superiors. Thus, if any indictments are requested of the grand jury, they are likely to be against fairly high-ranking officials.

Two matters known to be under investigation both involve Richard Helms, former head of the CIA and now ambassador to Iran.

One question under study is whether Helms committed perjury when he led a Senate committee to believe the CIA had not been involved in attempts to overthrow the Chilean government.

Another question concerns the CIA's 20-year practice of opening and examining mail between the United States and Russia and, later, between the United States and other countries as well. Former CIA officials have told the Senate Intelligence Committee they knew such mail-opening was illegal and Helms has been closely identified with the program.

The Justice Department has been using FBI agents in its investigation of the CIA. Officials have said they would call in agents from some other agency if that kind of help were needed in connection with the investigation of possible illegal actions by employees